Remarks

The present Amendment is submitted in response to the Office Action dated December 15, 2008, which set a three-month period for response.

Claims 1, 2, 5, 8 and 10-14 are rejected under 35 USC §102(b) as anticipated by US Patent No. 3,353,315 to Barker (Barker). Claims 6 is rejected under 35 USC §103(a) as unpatentable over Barker.

In response to the objections to claims 1 and 13, applicants have amended those claims substantially in accordance with the Examiner's instructions, and respectfully request withdrawal of the objections.

In response to the rejection of claims 1, 2, 5, 6, 8 and 10-14 under 35 USC §112, second paragraph, applicant has amended claims 1 and 10 to remove the phrase "in particular," and respectfully request withdrawal of the rejection of claims 1, 2, 5, 6, 8 and 10-14 under 35 USC §112, second paragraph.

In response to the substantive rejection of the claims, applicants respectfully assert that claim 1, and claims 2, 5, 6, 8 and 10-14 that depend from claim 1, are patentably over Barker for at least the following reasons.

Applicants' independent claim 1 calls out a construction system for erecting buildings, comprising walls (10, 20, 30, 40, 60) that are configured from panel-type elements (11, 21, 31, 31', 41, 61, 70), wherein the panel-type elements (11, 21, 31, 31', 41, 61, 70) are manufactured from a material containing crushed vegetable-fiber material and have recesses (12, 22, 32, 32', 42) for housing pillars (13, 23, 33, 43, 63, 71, 72) of a supporting construction.

The construction system is advantageous in that it allows industrial-scale prefabrication of wall elements with no cold bridges, which wall elements are composed of a material that is ecologically unobjectionable and permeable to diffusion. As a result of the recesses, all joints between the panel-type elements and the pillars that are open from the outside of the wall to the inside of the wall are eliminated. If the wall is composed of multiple panel-type elements, the edges of adjacent panel-type elements can be indented with each other, so that no straight, through joints between the outside and the inside of the building result.

The recesses can be formed in one or both surfaces of the panel-type elements. If recesses for pillars are provided in both sides, they can be arranged in an alternating pattern. This allows pillars to be placed in a relatively dense pattern, if desired, without the need to consume an unnecessarily large amount of expensive wood to create pillars that are too thick. Seamless, smooth surfaces are then obtained on the outsides of the panel-type elements.

The cover panels can be configured with a thickness that is equal to the distance between the base of the recesses and the surface of the panel-type elements and the surface of the panel-type elements that is diametrically opposed to the recesses. With a configuration of this type, the pillars will be located in the center of the walls, with the advantageous stability resulting therefrom.

Barker, as distinguished, discloses composite structural panels, not a

construction system for erecting buildings. Barker's structural panels are configured with slabs of mechanically weak material that displays low thermal conductivity, such as plastic foam, chip board or thick straw board. The faces of Barker's structural panels include mutually perpendicular grooves, arranged to receive load bearing strips of relatively mechanically strong material, resulting in a light weight composite structural panel of low thermal conductivity. The load bearing strips include slots at respective intersections for mutually locking engagement.

Barker's structural panels, however, are not wall or panel-type elements that have recesses for housing pillars of a supporting construction, as claimed. Barker's structural panels cannot be used as panel elements for a construction system to cooperate and house pillars of a supporting construction. Moreover, Barker's structural panels are made of plastic foam, chip or straw board, and not able to bear wind pressure, and as such, would be easily damaged by wind and other external environmental elements. Barker's structural panels are merely insulating and space-filling panels, as stated at col. 1, lines 45-53.

Barker's structural panels may be used to form structures around pillars, but are not constructed to include recesses adapted for receiving pillars, as claimed.

Hence, Barker does not disclose a construction system for erecting buildings comprising walls configured from panel-type elements manufactured

from a crushed vegetable-fiber material, the panel-type elements having recesses for housing pillars of a supporting construction. Because claim 1 recites these features, which features are not disclosed by Barker, Barker does not anticipate independent claim 1.

Applicant further respectfully asserts that Barker is not a proper reference under 35 USC §102 pursuant to the guidelines set forth in the last paragraph of MPEP §2131, where it is stated that "a claim is anticipated only if each and every element as set forth in the claims is not found, either expressly or inherently described, in a single prior art reference," and that "the identical invention must be shown in as complete detail as is contained in the ... claim."

Claim 1 is therefore patentable under 35 USC §102(b) over Barker. Pending claims 2, 5, 8 and 10-14 depend from claim 1, and are patentable therewith for at least these reasons. Applicants, therefore, respectfully request Withdrawal of the rejection of claims 1, 2, 5, 8 and 10-14 under 35 USC §102(b) over Barker.

With respect to claims 6, while the Examiner asserts that while Barker fails to disclose a cover panel as thick as the recesses, it would have been obvious to modify Barker as a matter of design choice, applicants respectfully disagree.

Barker fails to teach or suggest each of the elements of amended independent claim 1, as argued above. Barker's panel elements are not meant to be exposed to the weather, and so cannot be formed as cover panels, the subject matter of claim 6. While Barker's panel elements are used in a

construction system of walls of a building, they require a cladding (29) on any external surface (Fig. 1; col. 4, lines 45-57), with an impermeable sheeting (30) between the panel elements and cladding. Hence, the skilled artisan would not have thought to modify the thickness of the Barker panel elements to the thickness of the recesses in order to form a cover panel, as claimed.

Claim 6 is therefore patentable over Barker under section 103(a), and applicant respectfully requests withdrawal of the rejection of claim 6 under 35 USC §103(a) over Barker.

Accordingly, the application as amended is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application in condition for allowance.

Respectfully submitted,

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